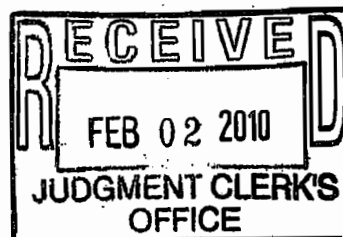


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
APPLESTEIN,

Plaintiff,

v.

THE REPUBLIC OF ARGENTINA and THE
PROVINCE OF BUENOS AIRES,
Defendant.

Index No. 02-CV-1773 (TPG)

-----X
APPLESTEIN et al.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,
Defendant.

Index No. 02-CV-4124 (TPG)

-----X
FRANCHESCHI et al.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,
Defendant.

Index No. 03-CV-4693 (TPG)

-----X
APPLESTEIN,

Plaintiff,

v.

THE PROVINCE OF BUENOS AIRES,
Defendant.

Index No. 03-CV-6268 (TPG)

-----X
MAZZINI et al.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,
Defendant.

Index No. 03-CV-8120 (TPG)

-----X
MORATA et al.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,
Defendant.

Index No. 04-CV-3314 (TPG)

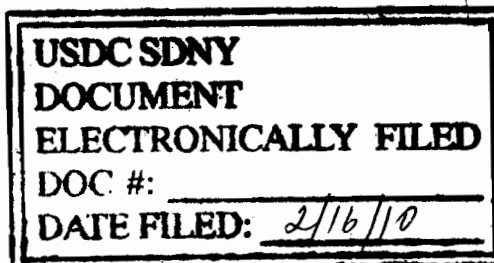
-----X
MOLDES et al.,

Plaintiffs,

v.

THE REPUBLIC OF ARGENTINA,
Defendant.

Index No. 04-CV-6137 (TPG)



-----X		
CILLI et al.,	:	
	:	
Plaintiffs,	:	
v.	:	Index No. 04-CV-6594 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X		
ROSA et al.,	:	
	:	
Plaintiffs,	:	
v.	:	Index No. 04-CV-7504 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X		
PASQUALI et al.,	:	
	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-10636 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X		
CONSOLINI et al.,	:	
	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-177 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X		
FERRI et al.,	:	
	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-2943 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X		
RIGUEIRO et al.,	:	
	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-3089 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X		
BETTONI et al.,	:	
	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-4299 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X		

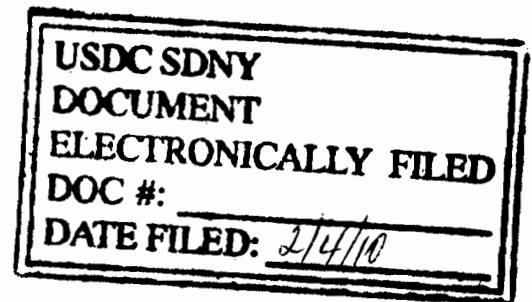
-----X	:	
FEDECOSTANTE et al.,	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-4466 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X	:	
LISI et al.,	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-6002 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X	:	
ROSSINI et al.,	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-6200 (TPG)
THE REPUBLIC OF ARGENTINA and THE	:	
PROVINCE OF BUENOS AIRES,	:	
Defendants.	:	
-----X	:	
KLEIN et al.,	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-6599 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X	:	
LOVATI,	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-8195 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X	:	
BOTTI et al.,	:	
Plaintiffs,	:	
v.	:	Index No. 05-CV-8687 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X	:	
BEYER et al.,	:	
Plaintiffs,	:	
v.	:	Index No. 07-CV-00098 (TPG)
THE REPUBLIC OF ARGENTINA,	:	
Defendant.	:	
-----X	:	

-----X
BORGRA et al.,
 Plaintiffs,
 v.
THE REPUBLIC OF ARGENTINA,
 Defendant.
-----X

Index No. 07-CV-5807 (TPG)

ATTACHMENT ORDER

To: ABN AMRO Bank NV
American Express Bank Ltd.
Banco Bilbao Vizcaya Argentaria S.A.
Banco do Brasil SA
Banco Latinoamericano de Exportaciones SA
Banco Santander SA
Bank of America NA
The Bank of New York Mellon
Barclay's Bank PLC
BNP Paribas
Capital One NA
Capital One USA NA
Citibank NA
Commerzbank AG
Cooperatieve Centrale Raiffeisen-Boeren Leenbank BA Rabobank Nederland
Credit Industriel et Commercial
Credit Suisse
The Depository Trust Company
Deutsche Bank AG
Deutsche Bank Trust Co Americas
Doral Bank FSB
Dresdener Bank AG
Emigrant Bank
Fiduciary Trust Company International
First American International Bank
First Commercial Bank
Fortis Bank SA/NV
The Goldman Sachs Trust Company
HSBC Bank NA
JP Morgan Chase Bank NA
Lazard
Lloyds TSB Bank plc
Merrill Lynch Bank & Trust Co FSB
Merrill Lynch Bank USA
Natixis
New York Life Trust Co.
Societe Generale
Standard Chartered Bank



Sumitomo Mitsui Banking Corp.
The Sumitomo Trust and Banking Company Ltd.
TD Bank NA
Wachovia Bank NA

Plaintiffs in the above captioned cases who are listed in Exhibit A attached (the “Duane Morris Plaintiffs”), having hereby joined Plaintiffs’ EM Ltd. (“EM”) and NML Capital, Ltd.’s (“NML”) Ex Parte Omnibus Motion that was presented to the Court on January 11, 2010 in *EM Ltd. And NML Capital, Ltd. v. The Republic of Argentina and Banco Central de la Republica Argentina*, No. 06 Civ. 7792 (TPG), *EM Ltd. v. Republic of Argentina*, 03 Civ. 2507 (TPG) and *NML Capital, Ltd. v. Republic of Argentina*, 03 Civ. 8845 (TPG), 05 Civ. 2434 (TPG), 06 Civ. 6466 (TPG), 07 Civ. 1910 (TPG), 07 Civ. 2690 (TPG), 07 Civ. 6563 (TPG), 08 Civ. 2451 (TPG), 08 Civ. 3302 (TPG), 08 Civ. 6978, 09 Civ. 1707 (TPG), 09 Civ. 1708 (TPG) (the “EM/NML Actions”), pursuant to Rule 64 of the Federal Rules of Civil Procedure and Article 62 of the New York Civil Practice Law and Rules for an order of attachment directed to the assets of Defendant the Republic of Argentina (“Argentina”) nominally held by Argentina’s alter ego, Banco Central de la Republica Argentina (the “BCRA”), upon (a) the Memorandum of Law in Support of Plaintiffs’ Ex Parte Motion for Orders of Attachment and Restraint, and Writs of Execution, dated January 11, 2010, (b) the Declaration of Suzanne M. Grosso dated January 11, 2010 and attached exhibits, and (c) all pleadings, papers and evidence submitted in connection with EM/NML Actions; from which it appears that:

1. EM and NML have met the criteria for prejudgment attachment.
2. There exists a valid cause of action against Defendants to have BCRA declared an alter ego of Argentina (the “**Pending Alter-Ego Action**”), which would render BCRA jointly and severally liable plaintiffs’ final judgments.
3. It is probable that Plaintiffs will succeed on the merits of the Pending Alter-Ego Action.

FURTHER, UPON THE REVIEW OF all pleadings, papers, orders and evidence in the above-captioned actions; it appears that the Duane Morris Plaintiffs have also met the criteria for prejudgment attachment in that:

1. The Duane Morris Plaintiffs have been awarded a final judgment against Argentina, namely:¹
 - To Plaintiff Allan Applestein, on June 9, 2003, in No. 02 Civ. 1773, in the amount of \$218,971.08, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$130,824.72;
 - To Plaintiff D.C.A. Grantor Trust, on December 30, 2003, in No. 02 Civ. 4124, in the amount of \$285,981.30, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$156,474.86;
 - To Plaintiffs Giovanni Carlotta, and Raimondo Iallonardo, on January 11, 2007, in No. 03 Civ. 4693, in the collective amount of \$869,238.42, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$238,371.26;
 - To Plaintiff Allan Applestein TTEE FBO D.C.A. Grantor Trust, on May 12, 2004, in No. 03 Civ. 6268, in the amount of \$1,206,211.30, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$620,422.22;
 - To Plaintiff Valerio Piacenza, on May 22, 2006, in No. 03 Civ. 8120, in the amount of \$100,251.19, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$33,293.42;
 - To Plaintiffs Milena Ampalla, Antonella Bacchiocchi, Filippo Bagolin, Giancarlo Bartolomei Corsi, Anneliese Gunda Becker, Giorgio Bennati, Giorgio Bennati and Carla Morata, Orsolina Berra, Giorgio Bistagnino and Eugenia Re, Stefano Bistagnino and Felicina Gaioli, Andrea Bonazzi and Mirco Masina and Luca Vitali, Stefania Bonpensiere, Marcello Calanca and Elettra Casalini, Bruno Calmasini and Tarcisia Dalbosco, Italia Camato, Vincenzo Carbone, Marco Cavalli and Valeria Toso, Carmelina Censi, Gian Francesco Cercato and Barbara Ricchi, Silvana Corato and Giulia Greggio, Francesco Corso and Giuseppina Corso, Laura Cosci, Aldo David, Antonio De Francesco, Francesco Foggiato, Rinaldo Frisinghelli and Graziella DaCroce, Angiolino Fusato and Gabriele Fusato and Anna Storch, Maddalena Gaioli and Felicina Gaioli, Francesco Mauro Ghezzi, Francesco Mauro Ghezzi and Maria

¹ Judgments were granted in United States Dollars unless otherwise noted below.

Luigia Conti, Gianfranco Guarini, Innovamedica S.p.A. (f/k/a MATIVA S.r.l.), Angelo Leoni and Rachele Bontempi, Carmelo Maio, Claudio Mangano and Maritza Lenti, Romano Marton, Mirco Masina and Andrea Bonazzi, Guglielmina Massara and Martino Verna, Alessandro Morata, Maria Rita Moretto and Ugo Lorenzi, Bruno Pappacoda and Luisella Guardincerri, Adriano Rosato, Sante Stefani and Angelina Salmistraro, Studio Legale Bennati, Renate Tielman, Manuelito Toso, Mauro Toso, Mario Vicini, Mario Vicini and Giuseppina Capezzera, on January 16, 2007, in No. 04 Civ. 3314, in the collective amount of \$32,632,624.55, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$15,087,310.95;

- To Plaintiffs Graziella Bonadiman, Italia Camato, Salvatore Melchionda, Franco Pezze, Tiziano Sasselli and Giovanna Ferro, on August 16, 2006, in No. 04 Civ. 6137, demoninated in United States Dollars ("U.S.D.") and Euros in the collective amount of at least \$1,555,413.97 when converted to U.S.D., which, as of January 29, 2010, has accrued post judgment interest in the amount of at least \$438,790.72 when converted to U.S.D.;

- To Plaintiffs Renata Boscarior and Giampaolo Montino, Maurizio Sergi, and Simona Staccioli, on May 22, 2006, in No. 04 Civ. 6594, in the collective amount of \$239,930.31, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$79,956.87;

- To Plaintiffs Augusto Arcangeli De Felicis, Alberto Compare, Manuela De Rosa Kunderfranco and Giovanna Connena and Antonella De Rosa Kunderfranco, Adriana Dell'Era, Gian Carlo Ganapini and Laura Anna Capurro, Fernanda Angela Lovero and Sabrina Parodi, Paola Rosa, and Licia Stampfli-Rosa, on May 29, 2007, in No. 04 Civ. 7504, in the collective amount of \$2,828,835.21, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$681,749.28;

- To Plaintiff Carlo Farioli, on January 16, 2007, in No. 05 Civ. 10636, in the amount of \$41,880.44, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$596,046.96;

- To Plaintiffs Agostino Consolini, Cesarino Consolini and Agostino Consolini, Mario Giacometti and Verna Gualandi, and Hilda Rupprecht, on April 2, 2007, in No. 05 Civ. 177, in the collective amount of \$596,046.96, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$151,395.94;

- To Plaintiffs Gianfranco Agostini, Sara Bartolozzi, Roberto Berardocco, Carlo and Susanna Bretti, Anna Ferri, Giovanni Giardina and Vincenza Sabatelli, Franco Pezze, and Maria Robbiati, on January 16, 2007, in No. 05 Civ. 2943, in the collective amount of \$1,338,415.02,

which, as of January 29, 2010, has accrued post judgment interest in the amount of \$365,387.31;

- To Plaintiffs Angelo Cottoni and Bruna Mattioli, Alessandra Regoli, Silvia Regoli, Ines Rota, Vito Zancaner, and Matteo and Giovanni Zanichelli, on January 16, 2007, in No. 05 Civ. 3089, in the collective amount of \$9,262,552.34, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$2,529,222.79;

- To Plaintiffs Massimo Bettoni, and Carla Marini Arcangeli De Felicis, on January 16, 2007, in No. 05 Civ. 4299, in the collective amount of \$1,408,392.75, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$384,491.22;

- To Plaintiffs Carifin S.A., Diego Castagna and Eufrosina De Stefano, on January 11, 2007, in No. 05 Civ. 4466, in the collective amount of \$1,987,062.75, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$544,455.20;

- To Plaintiffs Graziano Adami and Monica Crozzoletto, Celestino Goglia, Paolo Lisi, Elide Margnelli, Amato Mori, Ruggero Rossini and Antonietta Giuseppina Brioschi and Raffaele Rossini, on January 16, 2007, in No. 05 Civ. 6002, demoninated in United States Dollars ("U.S.D.") and Euros in the collective amount of at least \$636,597.44 when converted to U.S.D., which, as of January 29, 2010, has accrued post judgment interest in the amount of at least \$173,052.25 when converted to U.S.D.;

- To Plaintiffs Simonetta Montanari, Claudio Mori, Alfredo Pelli and Graziella Berchi, Giuseppe Silvio Rossini and Marinella Scalvi, and Laura Rossini, on January 16, 2007, in No. 05 Civ. 6200, demoninated in United States Dollars ("U.S.D.") and Euros in the collective amount of at least \$2,230,406.79 when converted to U.S.D., which, as of January 29, 2010, has accrued post judgment interest in the amount of at least \$606,360.61 when converted to U.S.D.;

- To Plaintiffs Adriano Bettinelli, Ruggero Rossini and Antonietta Giuseppina Brioschi, on June 1, 2007, in No. 05 Civ. 6599, in the collective amount of \$1,849,567.92, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$443,896.31;

- To Plaintiff Sergio Lovati, on January 11, 2007, in No. 05 Civ. 8195, in the amount of \$40,058,221.90, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$10,975,952.80;

- To Plaintiffs Alberto Baciucco, Otello Baciucco, Emanuele Botti, Giovanni Botti and Maria Ziliani, on January 16, 2007, in No. 05 Civ.

8687, demoninated in United States Dollars ("U.S.D.") and Euros in the collective amount of at least \$937,640.68 when converted to U.S.D., which, as of January 29, 2010, has accrued post judgment interest in the amount of at least \$254,298.44 when converted to U.S.D.;

- To Plaintiffs Pier Luigi Lucibello Piani, Franco Trentin and Stefania Trentin, on December 26, 2007, in No. 07 Civ. 0098, demoninated in United States Dollars ("U.S.D.") and Euros in the collective amount of at least \$539,362.32 when converted to U.S.D., which, as of January 29, 2010, has accrued post judgment interest in the amount of at least \$112,663.36 when converted to U.S.D.; and
 - To Plaintiffs Marco Borgra and Sergio Borgra, Marco Borgra and Donatella Fragonara Zanotti, on April 7, 2008, in No. 07 Civ. 5807, in the collective amount of \$223,315.18, which, as of January 29, 2010, has accrued post judgment interest in the amount of \$16,302.01.
2. The sum of the Duane Morris Plaintiffs' final judgments (collectively, the "**Final Judgments**"), plus accrued post judgment interest, is at least \$135,081,685.55 U.S.D.
 3. There are sufficient grounds for an order of attachment pursuant to N.Y. C.P.L.R. §§ 6201 (2) & (3) in that: (a) Argentina is a foreign state neither resident in or qualified to do business in the State of New York, and has repeatedly demonstrated its willingness to remove its assets from the jurisdiction of this Court to evade its judgment creditors; and (b) BCRA is an alter ego of Argentina, which has demonstrated its willingness to remove its assets from the jurisdiction of this Court to evade Argentina's judgment creditors.
 4. Defendants have no known counterclaims for damages against Plaintiffs.
 5. Argentina has expressly waived sovereign immunity, and further, the property to which this order of attachment is directed is in the United States and used for commercial activity in the United States.

SUFFICIENT CAUSE BEING ALLEGED THEREFORE, IT IS HEREBY ORDERED that the Duane Morris Plaintiffs' order of attachment is granted in its entirety, effective, unless earlier vacated, through the entry of an execution or order pursuant to 28 U.S.C. § 1610(c) following entry of a judgment for the Plaintiffs in the Pending Alter-Ego Action; and that the amount to be secured by this Order is \$135,081,685.55;

FURTHER ORDERED that the U.S. Marshals Service for the Southern District of New York or any person appointed to act in his place and stead, or Duane Morris' attorneys and their respective employees as specially appointed pursuant to Fed. R. Civ. P. 4.1, levy upon, but

refrain from taking unto actual custody pending further order of this Court, the following property within this jurisdiction at any time before final judgment in all of the above-captioned actions, such as will satisfy the above-mentioned sum of \$135,081,685.55:

Any property in the United States (whether real or personal, tangible or intangible, presently existing or hereafter arising), which could be assigned or transferred as provided in N.Y. C.P.L.R. § 5201, including but not limited to cash, gold, special drawing rights, deposits, real property, instruments, securities, security entitlements, security accounts, equity interests, claims and contractual rights, and interests of any kind in the foregoing (collectively, the “**Property**”), directly or indirectly held or maintained in the name of, in a trust held by, or for the use of benefit of BCRA, whether for its own account or for the benefit of Argentina, EXCLUDING: (a) property belonging to the embassy, consulate, or permanent mission to the United Nations of Argentina; and (b) any property that is, or is intended to be, used in connection with a military activity, and is of a military character or is under the control of a military or defense agency.

FURTHER ORDERED that the garnishee statement required by CPLR § 6219 shall be served via email and first class mail, within 10 days of service on you with this Attachment Order, upon Anthony J. Costantini, Esq., Duane Morris LLP, 1540 Broadway, New York, New York 10036, ajcostantini@duanemorris.com;

FURTHER ORDERED that Plaintiffs shall: (a) move within 10 days after the levy hereunder, or upon such other date as the Court may set, for an order confirming this Attachment Order; (b) give notice of the motion to BCRA, by serving its counsel, Joseph E. Neuhaus, Esq. of Sullivan & Cromwell LLP, 125 Broad Street, New York, New York 10004, via hand delivery; (c) give notice of the motion to Argentina, by serving its counsel, Carmine D. Boccuzzi, Jr., Esq. of Cleary Gottlieb Steen & Hamilton LLP, One Liberty Plaza, New York, New York 10006, via hand delivery; and (d) give notice of the motion, via hand delivery or certified mail, return receipt requested, to any garnishee(s) that have submitted a statement pursuant to CPLR § 6219 disclosing that they are or may be in possession of property or debts subject to this Order. If no such motion is made, this Attachment Order and any levy hereunder shall have no further effect and shall be vacated on motion;


FURTHER ORDERED that you, your agents, subdivisions, servants, officers, employees, and attorneys and all persons in possession of the property and/or debts described above, and all persons acting in concert or participation with the foregoing, and all persons

receiving actual notice of this Attachment Order by personal service or otherwise, are hereby **ENJOINED AND RESTRAINED** until further Order from this Court from directly or indirectly transferring, or ordering, directing, or requesting or assisting in the transfer, or in any other way affecting the value of, any such property or debt;

FURTHER ORDERED that pursuant to N.Y. C.P.L.R. § 6214, the levy effected pursuant to service of this Attachment Order on any garnishee located within the jurisdiction of this court is extended until 30 days following final resolution of the EM & NML Plaintiffs' application, including any related appeals, proceedings on remand, and any subsequent appeals.

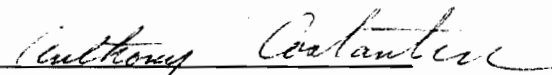
Dated: New York, New York
February 4, 2010
11 : 00 A.M.

ENTERED


United States District Judge

Dated: New York, New York
February 1, 2010

Respectfully submitted,
DUANE MORRIS LLP

By: 
Anthony J. Costantini

Rudolph J. DiMassa

Gerard S. Catalanello

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